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November 5, 2019

VIA FILING

The Honorable Thomas W. Thrash, Jr.
Chief Judge, United States District Court for the Northern District of Georgia
2188 Richard B. Russell Federal Building
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303

Re: ***Scheduling Issue related to pending discovery dispute***
In re Equifax, Inc., Customer Data Security Breach Litigation,
No. 1:17-MD-2800-TWT

Dear Judge Thrash:

On behalf of the Financial Institution Plaintiffs, I write to apprise the Court of certain timelines which may be impacted by the Court's ruling on a discovery issue presently briefed and before the Court.

As the Court is aware, a dispute exists over whether Equifax can assert the attorney-client privilege or work product doctrine as to a subpoena for documents that Equifax provided to its former employee, Graeme Payne, related to his testimony before federal and state investigatory bodies after the data breach. The parties raised this issue at the April 3, 2019 status conference, and per the Court's request, have submitted letter briefing on the issue. (*See* Plaintiffs' letter brief, ECF No. 791, regarding Mr. Payne's subpoena objection, ECF No. 624).

Mr. Payne's deposition is scheduled for November 25, 2019. That date was coordinated, over some time, between Mr. Payne, his counsel, Financial Institution Plaintiffs' counsel, Securities counsel, and Defense counsel. The Financial Institution Plaintiffs believe that the documents in dispute are necessary for Mr. Payne's deposition. Plaintiffs hope to proceed with the deposition on the 25th and not burden Mr. Payne and his counsel by seeking to reschedule the date, which may not be possible before the currently scheduled December 31 close of discovery.



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We respectfully seek the Court's guidance on whether the dispute over the documents in Mr. Payne's custody will be resolved before the November 25th deposition, or if we should notify Mr. Payne that Plaintiffs will need to reschedule his deposition for a later date.

We thank the Court for its consideration of this matter, and understand the Court has numerous other pending issues and limited resources, but we did want to apprise the Court that this issue could affect the deadlines in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Ranse M. Partin". The signature is fluid and cursive, with a large, stylized "P" at the end.

Ranse M. Partin,
Co-Liaison Counsel
Financial Institution Plaintiffs'

RMP:skt

cc: David L. Balser, Esq.
Phyllis B. Sumner, Esq.
S. Stewart Haskins II, Esq.
Gary F. Lynch, Esq.
Joseph P. Guglielmo, Esq.